

SIMPSON THACHER & BARTLETT LLP

425 LEXINGTON AVENUE
NEW YORK, N.Y. 10017-3954
(212) 455-2000

FACSIMILE: (212) 455-2502

DIRECT DIAL NUMBER

(212) 455-3735

E-MAIL ADDRESS

bangiolillo@stblaw.com

VIA EMAIL

May 2, 2013

Re: *Ge Dandong v. Pinnacle Performance Ltd.*,
No. 10 Civ. 8086 (JMF) (GWG)

The Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>5/2/2013</u>

Dear Judge Furman:

We represent Defendants Morgan Stanley, Morgan Stanley Asia (Singapore) Pte., Morgan Stanley & Co. International plc, Morgan Stanley Capital Services LLC (formerly known as Morgan Stanley Capital Services Inc.), Morgan Stanley & Co. LLC (formerly known as Morgan Stanley & Co. Inc.), and Pinnacle Performance Limited in the above-referenced action.¹

We write regarding Your Honor's April 30 order in this case, which is an endorsement on an April 29 letter from Plaintiffs' counsel (ECF No. 157). The April 30 order granted Plaintiffs' request to file an oversize class certification reply brief and directed applications regarding Defendants' motion to exclude to Magistrate Judge Gorenstein.

Defendants' motion to exclude relates to experts Plaintiffs have put forward in connection with their pending class certification motion. Defendants suggest that it might be most efficient for these overlapping motions to be resolved by a single judge, either Your Honor or Magistrate Judge Gorenstein, to whom this case has been referred for general pretrial purposes, including non-dispositive motion practice.

¹ Defendant Pinnacle Performance Limited has not entered a general appearance in this action and continues to maintain that this Court lacks personal jurisdiction over it.

SIMPSON THACHER & BARTLETT LLP

The Honorable Jesse M. Furman

-2-

May 2, 2013

Respectfully submitted,


Bruce D. Angiolillo

cc: Magistrate Judge Gabriel W. Gorenstein (*via facsimile*)

Plaintiffs' Counsel (*via email*)